

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Lisa Steele,

Plaintiff,

v.

Case No. 14-11969

Susan Burek, *et al.*,

Sean F. Cox
United States District Court Judge

Defendants.

ORDER ADOPTING
AUGUST 28, 2015 REPORT AND RECOMMENDATION

Defendants Susan Burek and Jon Sheldon filed a Motion to Dismiss or for Other Discovery Sanctions and to Challenge Attorney Eyes Only Designation (Docket Entry No. 57) on July 1, 2015. That motion was referred to Magistrate Judge David Grand for issuance of a report and recommendation, pursuant to 28 U.S.C. § 636(b)(1)(B).

On August 28, 2015, Magistrate Judge Grand issued his Report and Recommendation (“R&R) wherein he recommends that the Court deny the motion in part and grant the motion in part. Specifically, the R&R recommends that the Court deny Defendants’ request for dismissal of Plaintiff’s case but grant Defendants’ request for a monetary sanction against Plaintiff in the amount of \$4,244, to be paid within 30 days of this Court’s order on the R&R. (Docket Entry No. 78 at 4). The R&R further recommends that the Court order Plaintiff to produce certain discovery, as set forth in the R&R. (*Id.* at 4). Finally, the R&R recommends that the portion of the motion dealing with “attorney’s eyes only” designations be denied as moot. (*Id.* at 2 n.1).

Pursuant to FED. R. CIV. P. 72(b), a party objecting to the recommended disposition of a

matter by a Magistrate Judge must file objections to the R&R within fourteen (14) days after being served with a copy of the R&R. “The district judge to whom the case is assigned shall make a *de novo* determination upon the record, or after additional evidence, of any portion of the magistrate judge’s disposition to which specific written objection has been made.” *Id.*

The time for filing objections to the R&R has expired and the docket reflects that neither party has filed objections to the R&R. The Court hereby **ADOPTS** the August 28, 2015 R&R.

The Court **DENIES WITHOUT PREJUDICE** Defendants’ request for dismissal of Plaintiff’s Complaint.

IT IS FURTHER ORDERED that Defendant’s Motion (Docket Entry No. 57) is **GRANTED** to the extent that the Court **ORDERS** that Plaintiff Lisa Steele pay a monetary sanction in the amount of **\$4,244** to Defendants **within thirty (30) days of this Order**.

The Motion is also **GRANTED** to the extent that the Court **ORDERS** that Plaintiff shall produce the discovery and/or written explanation for the inability to produce same, as set forth in the R&R, to Defendants **within fourteen (14) days of this Order**.

IT IS FURTHER ORDERED that the portion of the Motion concerning “attorney’s eyes only” designations is **DENIED AS MOOT**.

IT IS SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: September 29, 2015

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 29, 2015, by electronic and/or ordinary mail.

S/Jennifer McCoy
Case Manager